



**PRESENT:**

Mr. Sherman W. Litton, Chairman  
Mr. Jack R. Wilson, III, Vice-Chairman  
Mr. Russell J. Gulley  
Mr. F. Wayne Bass  
Mr. Daniel A. Gecker  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Branch, Planning Department  
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,  
Development Review, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Teresa C. Davis, Administrative Secretary, Zoning and  
Special Projects, Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Development Review, Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review, Planning Department  
Ms. Barbara Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department  
Mr. Steven F. Haasch, Senior Planner, Advance Planning and  
Research Branch, Planning Department

Ms. Linda N. Lewis, Administrative Assistant, Administrative  
Branch, Planning Department  
Ms. Deanna D. Atkins, Administrative Secretary,  
Administrative Branch, Planning Department  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Budget Manager,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Scott Flanigan, Acting Water Quality Administrator,  
Environmental Engineering Department  
Mr. Douglas Pritchard, Jr., Engineering Supervisor,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Ms. Cynthia Owens-Bailey, Director of Planning,  
School Administration

### **WORK SESSION**

At approximately 12:00 p. m., Messrs. Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. **Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. **Review Upcoming Agendas.**  
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. **Review Day's Agenda.**  
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Consideration of the following Administrative Substantial Accord Determination:**

<b><u>CASE AND DISTRICT</u></b>	<b><u>APPLICANT</u></b>	<b><u>REQUEST</u></b>	<b><u>PROJECT NAME</u></b>
05PD0410 Bermuda	Omnipoint Communications	Substantial Accord Determination	VEPCO/Exit 58 (VA31457-D)

- G. Discussion Relative to Cluster Design Standards (Garage Orientation).
- H. Adjournment.

Mr. Tuner noted Mr. Gecker would be arriving late during the Work Session and Mr. Litton would possibly be arriving during the 7:00 p. m. Evening Session.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission amended the agenda to change Item F., Consideration of Administrative Substantial Accord (Case 05PD0410, Omnipoint Communications) to Item G.; to change Item G., Discussion Relative to Cluster Design Standards (Garage Orientation) to Item F.; to change Item H., Adjournment to Item I.; to add a new Item H., Discussion Relative to Private Wastewater Treatment Facilities; and to reorder the agenda accordingly.

AYES: Messrs. Wilson, Gulley and Bass.  
ABSENT: Messrs. Litton and Gecker.

**B. REVIEW UPCOMING AGENDAS.**

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the September 20, October 18 and November 15, 2005, Planning Commission meetings.

Mr. Gecker arrived at the meeting at approximately 12:43 p. m.

**C. REVIEW DAY'S AGENDA.**

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

Mr. Turner noted the scheduled 7:00 p. m. public hearing regarding the proposed amendment to The Plan for Chesterfield relative to affordable housing.

**D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.**

Mr. Larson updated the Commission as to the status of pending projects relative to Upper Swift Creek Plan Amendment.

The Commission requested staff schedule the Upper Swift Creek Plan Amendment for discussion at their September 20, 2005, Work Session.

**E. WORK PROGRAM.**

There were no changes to the Commission's Work Program, and, therefore, it was the consensus of the Commission to adopt their September 2005 Work Program, as presented by Mr. Turner.

**F. DISCUSSION RELATIVE TO CLUSTER DESIGN STANDARDS (GARAGE ORIENTATION).**

Ms. Rogers summarized information, requested by the Commission at their July 19, 2005, work session, relative to suggested guidelines for the administration of cluster design standards as related to garage door orientation.

Upon conclusion of the discussion, the following amended language was agreed upon as a guideline for staff to better guide applicants with their proposals relative to garage door orientation in cluster developments:

Front-loaded garages shall be located no closer to the street than the front facade of the dwelling unit.

**G. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION.**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0410 Bermuda	Omnipoint Communications	Substantial Accord Determination	VEPCO/Exit 58 (VA31457-D)

Mr. Bass stated he was a retired employee of Virginia Dominion Power, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 1:25 p. m.

Mr. Turner presented an overview of the request and staff's recommendation.

No one came forward in support of, or opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission confirmed the Director of Planning's decision that the proposed public facility (communications tower) for Case 05PD0410, Omnipoint Communications, was consistent with the Comprehensive Plan.

AYES: Messrs. Wilson, Gulley and Gecker.  
ABSENT: Messrs. Litton and Bass.

Mr. Bass returned to the meeting at approximately 1:26 p. m.

**H. DISCUSSION RELATIVE TO PRIVATE WASTEWATER TREATMENT FACILITIES.**

There was discussion relative to the feasibility of performing a study relative to permitting the use of private wastewater treatment facilities in the County; the impact of such facilities relative to land use standards, financial impacts to citizens, developers and/or the County; the development of a policy and Ordinance standards to regulate the use of such facilities; the potential exposure and risk to the environment and/or water quality; and other issues of concern.

There was general agreement not to proceed with a study at this time.

**I. ADJOURNMENT.**

There being no further business to come before the Commission, the Work Session adjourned at approximately 2:08 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.

ABSENT: Mr. Litton.

**3:00 P. M. AFTERNOON SESSION**

Mr. Wilson, Vice Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**B. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the June 21 and July 19, 2005, Planning Commission minutes.

**◆ DEFERRED - JUNE 21, 2005, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.**

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to approve the June 21, 2005, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.

ABSENT: Mr. Litton.

◆ **JULY 19, 2005, PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to approve the July 19, 2005, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.

ABSENT: Mr. Litton.

**C. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **WITHDRAWAL.**

**05TW0309:**\* In Bermuda Magisterial District, **RCS DEVELOPMENT CORP.** withdrew a waiver to Section 19-105(l) of the Zoning Ordinance which requires "All lots shall have frontage on a public street or access thereto by common right of way within 500 feet." This development is commonly known as **EAGLE'S CREST AT CHESTERFIELD MEADOWS**. This request lies in a Residential (R-12) District on a 12.3 acre parcel fronting approximately 600 feet on the west line of Old Wrexham Road, also fronting approximately 760 feet on the south line of Chesterfield Meadows Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 774-660-6611 (Sheet 25).

No one was present to represent the request.

Staff noted the applicant had submitted written documentation withdrawing the request.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 05TW0309, RCS Development Corporation (Eagle's Crest at Chesterfield Meadows).

AYES: Messrs. Wilson, Gulley, Bass and Gecker.

ABSENT: Mr. Litton.

◆ **DEFERRAL.**

**05PS0421:** In Midlothian Magisterial District, **BURGESS & CO.** requested deferral to October 18, 2005, for consideration of schematic plan approval for two (2) freestanding signs, as required by zoning Case 85S133. This development is commonly known as **RIVERTON - BURGESS OFFICES**. This request lies in a Corporate Office (O-2) District on 1.084 acres fronting approximately 100 feet on the north line of Midlothian Turnpike, approximately 525 feet east of its intersection with Salisbury Drive. Tax IDs 730-707-3785 and 730-708-3904 (Sheet 6).

Mr. Dennis Burgess, the applicant, requested deferral to the October 18, 2005, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05PS0421, Burgess & Co. (Riverton – Burgess Offices), to the October 18, 2005, Planning Commission meeting.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.

ABSENT: Mr. Litton.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**05TS0239:**\* In Clover Hill Magisterial District, **R. C. WHEELER CONSTRUCTION** requested tentative subdivision approval, per Condition 9 of zoning Case 04SN0319. This development is commonly known as **BOXWOOD**. This request lies in a Residential (R-12) District on 6.8 acres fronting approximately 260 feet on the west line of South Providence Road, approximately 790 feet north of Scottingham Drive. Tax IDs 758-702-2534 and 7625 (Sheet 7).

Mr. Joe Faudale, the applicant's representative, accepted staff's recommendation, including amendments to Conditions 1 and 2, as outlined in the "Request Analysis."

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Faudale accepted the addition of Condition 10, as requested by Mr. Gulley and read for the record.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved that tentative subdivision plat approval for Case 05TS0239, R. C. Wheeler Construction (Boxwood), shall be and it thereby was granted, subject to the following conditions and notes:

**CONDITIONS**

1. The buffers required to negate double frontage lot conditions shall be recorded as part of the lots as shown on sheet 2 of the tentative subdivision plat prepared by Barthol Design Associates, Inc., dated August 10, 2005. (P)
2. The maintenance of the buffers shall be noted on the final check and record plat as the responsibility of the owner of the lot on which the buffer is located (lots 5, 6, and 13 on the tentative plat). (P)
3. An access easement of a size, location, and appropriate improvements and clearance therein satisfactory to the Environmental Engineering Department to the SWM/BMP for the provision of adequate maintenance shall be provided. (EE)
4. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not

commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)

5. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
6. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the Department of the proposed adjacent construction. (EE)
7. The areas of storm-water runoff concentration as discussed in the Environmental Engineering Department tentative report dated February 15, 2005 will be field located and shown on the plans. The construction plans shall designate the affected lots with an NBP, and an engineered storm sewer, filling, grading, and drainage plan shall be included in the construction plans. (EE)
8. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one year after the streets are taken into the State system. (EE)
9. Prior to recordation, notification by VDOT that improvements to the State road(s) into which this project intersects, have been satisfactorily completed, must be received by the Environmental Engineering Department. (EE)
10. At the time of final check plat submission, a separate instrument specifying the maintenance responsibility of the buffers shall be provided to the Planning Department. The form of this instrument shall be approved by the County Attorney and the Planning Department. This instrument shall be recorded in conjunction with the record plat. (P)

NOTES:

- A. Open space is required to be maintained by a homeowners association in accordance with Section 19-559. (P)
- B. Buffers shall conform to Section 17-70. (P)
- C. Standard conditions. (P)
- D. The final check and record plat shall include proffer conditions relating to house size or construction standards. (P)
- E. Prior to recordation, notification by VDOT that improvements to the State road(s) into which this project intersects, have been satisfactorily completed, must be received by the Environmental Engineering Department. (EE)



- F. Hydrant locations shown on the tentative plan may not be in acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)
- G. Proffered conditions of zoning require dedication of right of way, construction of a right turn lane, and widening and improving the west side of Providence Road. (T)
- H. It will be the responsibility of the subdivider to make certain that all proposed sections within the development complies with the Chesterfield County Fire Department's required fire flow of 1000gpm at 20psi residual. (U)
- I. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water/sewer layout is being performed to identify any potential controversial problems and to integrate the Utilities Department recommendations as set forth in the latest water/sewer facilities plan in an effort to facilitate a much smoother review of the final design of each section. The subdivider understands that as the final details of each development section are reviewed, the utilities department may require changes to the original layout as deemed in the best interest of the county, which ultimately benefits the department's customers as users of public water/sewer systems. (U)
- J. All stub road water lines shall be eight (8) inch in diameter unless otherwise indicated by the Utilities Department, and shall be extended to the end of pavement. (U)
- K. Provide the tentative case number in the general notes on the construction plans. (U)
- L. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- M. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design per Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- N. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- O. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)

- P. The construction of all roadways which are not defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan" requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
  2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- Q. The construction of transportation improvements on South Providence road requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
  2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- R. A VDOT land use permit for any and all required transportation improvements on South Providence Road (SR#678) shall be satisfactorily completed prior to recordation of any lots within this subdivision. (VDOT)
- S. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

**05PW0420:** In Matoaca Magisterial District, **UNION BRANCH BAPTIST CHURCH** requested a waiver to County standards for paving and curb and gutter. This project is commonly known as **UNION BRANCH BAPTIST CHURCH**. This request lies in an Agricultural (A) District on a 13.43 acre parcel lying approximately 415 feet on the south line of River Road approximately 300 feet west of its intersection with Pypers Pointe Drive. Tax ID 747-628-5428 (Sheet 39).

Mr. James Evans, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission found Case 05PW0420, Union Branch Baptist Church (Union Branch Baptist Church), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section

19-514(d)(1) of the Zoning Ordinance requiring paved parking and curb and gutter, subject to the following condition:

**CONDITION**

This waiver is limited to the area indicated on Exhibit 1 as "Proposed Gravel Parking", and will expire in three (3) years from the date of Planning Commission approval.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

**D. FIELD TRIP AND DINNER.**

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit requests sites.

◆ **DINNER LOCATION.**

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to meet for dinner at 5:00 p. m. at John Howlett's Tavern.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

**E. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Bass, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 3:08 p. m., agreeing to reconvene in the Public Meeting Room at 7:00 p. m. for the Evening Session.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

**7:00 P. M. EVENING SESSION**

At approximately 7:00 p. m., Mr. Wilson, Vice Chairman, called the Evening Session to order.

**A. INVOCATION.**

Mr. Gulley presented the invocation.

**B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Jack R. Wilson, IV led the Pledge of Allegiance to the Flag.

**C. REVIEW MEETING PROCEDURES.**

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the September 20, 2005, agenda was comprised of eight (8) cases; the October 18, 2005, agenda was comprised of sixteen (16) cases; and the November 15, 2005, agenda was comprised of fifteen (15) cases.

**D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**E. CONSIDERATION OF THE FOLLOWING REQUESTS:**

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

**04SN0303:**\* (Amended) In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC AND HIGHLANDS WEST, LLC** requested deferral to September 20, 2005, for consideration of Conditional Use and amendment of zoning district map to permit a public waste treatment facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-88) District fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Mr. Oliver D. "Skitch" Rudy, on behalf of the applicant's representative, requested deferral of Case 04SN0303 to September 20, 2005.

Mr. Thomas Bobbitt, a resident of The Meadowlands, stated the subject property was located directly across from his property, voiced opposition to the deferral and asked that the request be heard and denied at this time.

There being no one else to speak, Mr. Wilson closed the public comment.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0303 to the September 20, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.

ABSENT: Mr. Litton.

**05SN0102:\*** In Dale Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to December 15, 2005, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies on 22.0 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road, fronting approximately 1,800 feet on the west line of the CSX Railroad intersecting with both Route 288 and Old Lane and fronting approximately 575 feet on the south line of Route 288 approximately 540 feet east of Hopkins Road. Tax IDs 786-666-3851 and 786-667-3619 (Sheets 18 and 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral of Case 05SN0102 to the October 18, 2005, Planning Commission public hearing.

Mr. Wilson noted the October meeting agenda was already comprised of sixteen (16) cases and asked if the applicant would consider deferring the case to the September or December public hearing.

Mr. Hawkins indicated the request would not be ready for the September meeting, indicating deferral to the December 15, 2005, meeting was acceptable.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 05SN0102 to the December 15, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

**05SN0234:\*** In Matoaca Magisterial District, **THOMLYN, LLC** requested deferral to September 20, 2005, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01-2.5 units per acre. This request lies on 50.3 acres fronting approximately 1,050 feet on the southwest line of Woodpecker Road and located in the southwest quadrant of the intersection of Woodpecker, Lakeview and Chestnut Ridge Roads. Tax IDs 791-620-1025 and 791-621-0110 (Sheet 41).

Mr. Harley Joseph, the applicant's representative, requested deferral of Case 05SN0234 to the September 20, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0234 to the September 20, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

**05SN0249:**\* In Midlothian Magisterial District, **ASC LAND CORPORATION** requested deferral to September 20, 2005, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use to permit recreational facilities. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 dwelling per acre or less. This request lies on 30.0 acres fronting approximately 350 feet on the north line of Robious Road approximately 330 feet west of Kings Farm Drive. Tax ID 726-727-8858 (Sheet 1).

Mr. Brian Bowe, the applicant's representative, requested deferral of Case 05SN0249 to the September 20, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0249 to the September 20, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

**05SN0290:** In Bermuda Magisterial District, **BROADWATER ASSOCIATES, L.P.** requested deferral to September 20, 2005, for consideration of Conditional Use Planned Development and amendment of zoning district map to permit office use in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use center. This request lies on 9.1 acres fronting on the east line of Harrowgate Road at Broadwater Road and located within the Broadwater Townhomes Development. Tax ID 795-638-1293 (Sheet 34).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral of Case 05SN0290 to the September 20, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0290 to the September 20, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

◆ REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.

**05SN0312:** In Midlothian Magisterial District, **SUNRISE DEVELOPMENT, INC.** requested Conditional Use and Conditional Use Planned Development and amendment of zoning district map to permit an assisted living facility and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 5.0 acres known as 2145 Cranbeck Road. Tax ID 742-714-6040 (Sheet 2).

Mr. John Easter, the applicant's representative, stated deferral of Case 05SN0312 by Mr. Gecker was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 05SN0312 to the September 20, 2005, Planning Commission public hearing

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

◆ REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.

**05SN0287:** In Clover Hill Magisterial District, **BARBARA F. GARRIS** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 0.3 acre and is known as 2604 Cropper Circle. Tax ID 758-694-1651 (Sheet 11).

No one was present to represent the request.

Since there was no one present to represent the request, the Commission agreed to move Case 05SN0287, Barbara F. Garriss, to the Discussion Agenda and asked staff to contact the applicant.

**05SN0298:** In Bermuda Magisterial District, **LINDA GURR AND RANDY JACKSON** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 0.3 acre and is known as 3635 West Hundred Road. Tax ID 792-656-1520 (Sheet 26).

Ms. Valerie Gurr, the applicants' representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0298 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to any site plan approval, forty-five (45) feet of the right-of-way on the south side of Route 10, measured from the centerline of that part of Route 10 (5 feet from existing line) immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. Prior to any site plan approval, an access easement acceptable to the Transportation Department shall be recorded across the property. (T)

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT Mr. Litton.

**05SN0302:** In Midlothian Magisterial District, **ALLEN M. TWEDT** requested amendment to Conditional Use Planned Development (Case 82SN0016) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. This request lies in a Neighborhood Business (C-2) District on 0.8 acre fronting approximately 160 feet on the south line of Midlothian Turnpike approximately 250 feet east of Coalfield Road. Tax ID 729-707-2778 (Sheet 5).

Mr. Allen Twedt, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0302.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT Mr. Litton.

**05SN0269:\*** In Bermuda Magisterial District, **CHARLENE OLIVER-DOWNS** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-25) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 1.1 acres and is known as 7113 Creekbluff Ridge Drive. Tax ID 771-644-7316 (Sheet 33).



Ms. Charlene Oliver-Downs, the applicant, accepted staff's recommendation, including the proffered conditions outlined in the Addendum, but requested clarification relative to the impact of Proffered Condition 1 on relatives visiting her during the summer months.

No one came forward to speak in favor of, or in opposition to, the request.

The Commission asked staff to meet with Ms. Oliver-Downs to discuss her concerns and moved Case 05SN0269 to the Discussion Agenda.

◆ COMPREHENSIVE PLAN AMENDMENT.

◆ AMENDMENT TO THE PLAN FOR CHESTERFIELD RELATING TO AFFORDABLE HOUSING.

◆ ◆ ◆

Amendment to the County's comprehensive plan, The Plan for Chesterfield. The proposed language amendment to The Plan For Chesterfield relates countywide. It is recommended that the following language be incorporated in The Plan for Chesterfield's Introduction Section under the element denoted as NEIGHBORHOODS:

Affordable housing opportunities for homeowners and renters should be available to all who live and work in Chesterfield County. There should be an opportunity for people of various income levels to live in economically integrated neighborhoods. Affordable housing may be integrated into high density and mixed-use development projects and should be encouraged through more flexible zoning wherever possible.

The Plan For Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions.

◆ ◆ ◆

Ms. Fassett presented an overview of the proposed amendment to the Introduction of The Plan For Chesterfield relative to affordable housing and staff's recommended language.

Reverend Dr. Shirley Quickley, Vice President of Richmonders Involved to Strengthen Our Communities (RISC), and Mr. Reuben Waller, a Midlothian District resident and member of the Affordable Housing Task Force committee, voiced support for the proposed amendment, noting the language was a step in the right direction to ensure an improved quality of life for all residents of the County for both the present and the future.

There being no one else to speak to the proposal, Mr. Wilson closed the public hearing.

Mr. Gecker expressed appreciation to all those involved for their diligent efforts in the development of the proposed amendment, noting the Committee would continue meeting to discuss implementation strategies.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of the following language to be incorporated into The Plan For Chesterfield Introduction under the element denoted as NEIGHBORHOODS:

Affordable housing opportunities for homeowners and renters should be available to all who live and work in Chesterfield County. There should be an opportunity for people of various income levels to live in economically integrated neighborhoods. Affordable housing may be integrated into high density and mixed-use development projects and should be encouraged through more flexible zoning wherever possible.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.

ABSENT: Mr. Litton.

Mr. Litton arrived at the meeting at approximately 7:29 p. m.

At the request of the Mr. Litton, Chairman, it was on motion of Mr. Gecker, seconded by Mr. Litton, that the Commission suspended their By-Laws to allow Mr. Wilson, Vice Chairman, to continue chairing the meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**05SN0276:** In Bermuda Magisterial District, **SONNY CURRIN** requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) with Conditional Use of 1.0 acre; Residential (R-7) to Corporate Office (O-2) of 0.8 acre and Community Business (C-3) to Community Business (C-3) of 9.1 acres plus Conditional Use Planned Development on 10.9 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and mixed use corridor use. This request fronts approximately 800 feet on the south line of Iron Bridge Road, also fronts the west line of West Booker Boulevard in two (2) places for a total of approximately 400 feet. Tax IDs 779-652-9168 and Part of 6471; and 780-652-1448, 1556, 1685 and 2380 (Sheet 26).

Ms. Peterson presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing minimum yard requirements and removal of use, outside storage and architectural compatibility exceptions relative to a landscape contractor's shop and storage yard. She further noted that staff recommended Textual Statement Items II, III.b., IV.b. and references to a landscape contractor's shop and storage yard in Item I not be accepted, that Proffered Condition 1 not be accepted and that the Condition be imposed.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the applicant viewed the request as an opportunity to redevelop the property and expand the existing landscape contractor use. He stated the existing use had been permitted for several years; the office use planned for the site would be temporary and located to the rear of the property; the uses would not be

prominent or visible to adjacent property owners; and asked the Commission to rescind the portion of the Textual Statement relative to the buffer reductions adjacent to the Residential (R-7) property.

Mr. Wilson opened the discussion for public comment.

Mr. Stephen Arthur, a resident of 12400 W. Booker Boulevard, opposed the request, citing concerns relative to encroachment of commercial uses into the adjacent residential neighborhood and maintaining the existing quality of life for area residents.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Scherzer indicated the current uses along the eastern property boundary were quiet uses which would not adversely impact adjacent property owners and the applicant did not intend to change those uses.

In response to a question from Mr. Wilson, Ms. Peterson stated she was not aware of any noise complaints.

Mr. Wilson stated he felt the applicant had adequately addressed the setback requirement for structures bordering residentially-zoned properties to the east and south and retention of the full setbacks was not necessary; imposed two (2) conditions, which he read, addressing modification to the Textual Statement and the temporary modular office building to be located to the rear of the property; and recommended that Proffered Condition 1 not be accepted.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0276, subject to the following conditions and acceptance of Proffered Conditions 2 through 9:

#### CONDITIONS

With the exception of Items II, III.b., IV.b. and references to a landscape contractor business in Item I, the Textual Statement dated August 4, 2005, shall be considered the Master Plan. (P)

1. With the exception of Item II.a), the Textual Statement dated August 4, 2005, shall be considered the Master Plan. (P)
2. The temporary modular building shall be located generally at the rear of the subject property in close proximity to the outdoor storage as shown on the site plan titled "Chester Southern States", prepared by Dean E. Hawkins, ASLA and dated September 19, 2001. (P)

(NOTE: This condition is in addition to Textual Statement IV. b.)

#### PROFFERED CONDITIONS

1. STAFF NOTE: Proffered Condition 1 was not accepted.
2. Utilities. Public water and wastewater systems shall be used. (U)

3. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Architecture. Except as noted in Textual Statement Item IV, the architectural treatment of buildings, to include materials, color and style, shall be compatible with the Boulders Commons Office Condos, except that brick shall be incorporated into a minimum of thirty (30) percent of the total square footage of the building façade. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features. (P)
5. Transportation. Prior to any final site plan approval, one hundred (100) feet of right of way on the south side of Ironbridge Road (Route 10), measured from the centerline of that part of Route 10, immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. Access. Direct access ("Route 10 Access") from the property to Route 10 shall be limited to one (1) entrance/exit, generally located at the western boundary of the parcel identified as Tax ID 779-652-9168. The exact location of this access shall be approved by the Transportation Department. No direct access shall be provided from the parcel identified as Tax ID 780- 652-2380 to West Booker Boulevard. (T)
7. Road Improvements. To provide an adequate roadway system, the developer shall be responsible for the following:
  - a. Construction of additional lane of pavement along the eastbound lanes of Route 10 for the entire property frontage;
  - b. Construction of an additional lane of pavement along the eastbound lanes of Route 10 at the Route 10 Access and at the West Booker Boulevard intersection to provide a separate right turn lane;
  - c. Construction of additional pavement along the westbound lanes of Route 10 at the crossover that aligns West Booker Boulevard to provide an adequate left turn lane. The exact length of this improvement shall be approved by the Transportation Department;
  - d. Construction of additional pavement along West Booker Boulevard to provide a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes) at its intersection with Route 10. The exact length of this improvement shall be approved by the Transportation Department;
  - e. Full cost of traffic signalization at the West Booker Boulevard/Route 10 intersection, if warranted as determined by the Transportation Department;

- f. Construction of a sidewalk along the south side of Route 10 for the entire property frontage. The exact design and location of this improvement shall be approved by the Transportation Department; and
  - g. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 7, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
8. Phasing. Prior to any final site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, if warranted as determined by the Transportation Department, the right turn lane along Route 10 at the West Booker Boulevard intersection as identified in Proffered Condition 7.b. and the road improvements identified in Proffered Conditions 7.c, 7.d, and 7.e. to be provided with any development that includes access to West Booker Boulevard. (T)
9. Drainage. For any storm water drainage that will discharge to the eastern boundary into Carver Homes Sites Subdivision either the drainage shall be retained and released at a rate that can be handled by the existing storm sewer system, or improvements to the downstream storm system needed to handle this development shall be made. (EE)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**04SN0286.\*** In Clover Hill Magisterial District, **MTV DEVELOPMENT COMPANY, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.1 acres fronting approximately 670 feet on the south line of Reams Road across from Heppel Road, also fronting approximately 185 feet on the east line of Adkins Road approximately 400 feet south of Reams Road. Tax ID 750-701-2244 (Sheet 6).

Ms. Peterson presented an overview of the request and staff's recommendation, subject to the applicant adequately addressing the impact of the development on capital facilities. She noted, on August 4, 2005, in an effort to address typical road improvements along Reams and Adkins Roads, the applicant submitted an amendment to Proffered Condition 2 which proffer offered a transportation contribution of \$11,500 for each recorded lot, payable prior to recordation of the subdivision plat. She noted the applicant had further offered to pay \$30,000 prior to recordation of the initial subdivision plat to cover the costs of certain road improvements that normally would be constructed as a part of the development. She further indicated that, while the contribution addressed transportation concerns, the impact of the request on schools, parks,

libraries and fire stations had not been addressed and accordingly, the County's ability to provide adequate facilities to its citizens would be adversely impacted.

Mr. Richard Minter, the applicant's representative, noted amended Proffered Condition 2 and the \$30,000 prior to recordation of the initial subdivision plat to cover the costs of certain road improvements that normally would be constructed as a part of the development and asked the Commission to forward a favorable recommendation to the Board of Supervisors.

Mr. Wilson opened the discussion for public comment.

Ms. Andrea Epps, a resident of Brandermill, stated she had no problem with the proposed development but expressed concerns that the cash contribution was for only transportation improvements and was not being distributed among other capital facilities needs.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Gulley stated he was aware that there were philosophical differences of opinion relative to the expenditure of the cash contribution and his efforts to remedy the transportation problems in this area; however, this particular corridor was of much concern to him given area road conditions and the statistics relative to accidents and fatalities. He stated he felt the safety concerns outweighed the allocation of monies to other capital facilities and it was imperative that road improvements be made as soon as possible.

Messrs. Gecker and Wilson expressed concerns relative to the allocation of the applicant's cash contribution to only transportation, and not other, capital facilities needs; that the allocation of capital facilities funds was a Policy issue not within the purview of the Commission; that a recommendation for approval of the request could set a precedent for similar future requests; and indicated they would not support a recommendation for approval.

Mr. Litton stated the applicant's had addressed his concerns relative to contributing monies toward the typical on-site road improvements in addition to the cash proffer amount or to provide those on-site road improvements and he would support the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 04SN0286 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. Prior to recordation of each subdivision plat, the developer shall pay to Chesterfield County \$11,500.00 for each lot to be recorded with such plat. In addition, prior to recordation of the initial subdivision plat, the developer shall pay \$30,000.00 to Chesterfield County. These payments shall be used for road improvements within Traffic Shed 4, such as at the Reams Road/Adkins Road intersection, or for road improvements that provide relief to that Traffic Shed. (T & BM)

2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and approved devices have been installed. (EE)
3. The minimum gross floor area for all dwelling units shall be 1800 square feet. (BI & P)
4. All exposed portions of the foundation of each dwelling unit and all exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
5. All streets within the development shall be constructed with curb and gutter. (P & EE)
6. A maximum of eighteen (18) dwelling units shall be permitted on the property. (P)
7. Manufactured homes shall not be permitted. (P)
8. There shall be no access to Reams Road except for the driveway which serves Tax ID 749-701-9156. (T)
9. Prior to recordation of the initial subdivision plat, the Reams Road at Adkins Road turn lane project shall be complete, as determined by the Transportation Department. (T & P)
10. Within the fifty (50) foot buffer required along Reams Road, a minimum four (4) foot high berm with 3:1 maximum side slopes and Perimeter Landscape C shall be provided. The grading and landscaping plan for such buffer area shall be submitted to the Planning Department for approval in conjunction with the tentative plat review. (P)
11. In conjunction with the recordation of the initial subdivision plat or within thirty (30) days of a request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the east side of Adkins Road and forty-five (45) feet of right-of-way on the south side of Reams Road, measured from the centerlines of those roads immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
12. Direct access from the property to Adkins Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department. (T)

AYES: Messrs. Litton, Gulley and Bass.

NAYS: Messrs. Wilson and Gecker.

**05SN0206.\*** In Bermuda Magisterial District, **DR. TAYLOR LYNE AND DR. GEORGEANNA M. LYNE** requested rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Community Business (C-3) with Conditional Use to allow outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.3 acres fronting approximately 550 feet on the north line of Iron Bridge Road, also fronting approximately 500 feet on the west line of Chalkley

Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 778-653-8082 and 779-653-1379 (Sheet 26).

Mr. Litton stated his firm had performed the engineering for this request, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 7:55p.m.

Mr. Clay presented an overview of the request and staff's recommendation for approval of the rezoning, denial of the Conditional Use and that Proffered Condition 6 not be accepted.

Mr. Wilson Enochs, the applicant's representative, accepted staff's recommendation for approval of the rezoning but did not accept the recommendation for denial of the Conditional Use and that Proffered Condition 6 not be accepted. He stated the efficiencies offered by the designs for increasing the outside run areas allowed his clients to be more competitive in their business and yet financially economical for their clients. He stated the noise issue would not be a factor in that his clients had scheduled the time periods for the outside run activities to be early morning or late evening which would control any potential adverse impact to adjacent property owners.

No one came forward to speak in favor of, or in opposition to, the request.

In response to a question from Mr. Wilson, Dr. Lyne stated he had made every effort to minimize potential noise impacts on adjacent property owners and he submitted petitions containing approximately 450 signatures, including property owners to the north, in support of the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0206 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Prior to any site plan approval, right-of-way on the north side of Iron Bridge Road (Route 10), as shown on the plat titled "Plat Showing Three Parcels of Land With Proposed Easements Lying In The Bermuda District, Chesterfield County, Virginia Surveyed For Georgeanna M. Lyne" prepared by Austin Brockenbrough & Associates, L.L.P. and dated June 14, 2005, and the last revision dated July 18, 2005 shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit, generally located towards the western part of the property (the "Route 10 Access"). This access shall be limited to right-turns-in and right-turns-out only. Direct access from the property to Chalkley Road shall be limited to one (1) entrance/exit, generally located at the northern property line (the "Chalkley Road Access"). The exact location of these accesses shall be approved by the Transportation Department. Prior to any site plan approval that includes development with access to Chalkley Road, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of the Chalkley Road Access with adjacent properties to the north. (T)



3. To provide an adequate roadway system, the developer shall be responsible for the following road improvements:
  - a. Construction of an additional lane of pavement along the westbound lanes of Route 10 for the entire frontage of the parcel identified as Tax ID 779-653-1379.
  - b. Construction of additional pavement along the westbound lanes of Route 10 at the Route 10 Access to provide a separate right turn lane.
  - c. Construction of a sidewalk along the north side of Route 10 for the entire property frontage. The exact design and location of this improvement shall be approved by the Transportation Department.
  - d. Reconstruction of Chalkley Road to obtain adequate sight distance, as determined by the Transportation Department, along Chalkley Road at the Chalkley Road Access. The exact length and design of this improvement shall be approved by the Transportation Department.
  - e. Construction of an additional lane of pavement along Chalkley Road for the entire property frontage.
  - f. Construction of additional pavement along Chalkley Road at the Chalkley Road Access to provide left and right turn lanes, based on Transportation Department standards.
  - g. Modification of the traffic signal at the Chalkley Road/Route 10 intersection, as determined by the Transportation Department.
  - h. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in Proffered Condition 3, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
4. Prior to site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require the road improvements identified in Proffered Conditions 3.d., 3.e, 3.f, and 3.g. to be provided with development that includes the Chalkley Road Access. In addition, the approved phasing plan shall require the right turn lane, described in Proffered Condition 3.b., to be provided with any development that

would cause the property's anticipated trip generation to equal or exceed 3,000 trips per day at the Route 10 Access, as determined by the Transportation Department. (T)

5. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
6. Outside run areas shall not exceed fifty percent (50%) of the gross floor area of the principal use. (P)

AYES: Messrs. Wilson, Gulley, Bass and Gecker.  
ABSENT: Mr. Litton.

Mr. Litton returned to the meeting at approximately 8:04 p. m.

Mr. Turner recalled Case 05SN0287, Barbara F. Garris.

**05SN0287:** In Clover Hill Magisterial District, **BARBARA F. GARRIS** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 0.3 acre and is known as 2604 Cropper Circle. Tax ID 758-694-1651 (Sheet 11).

No one was present to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley stated he did not usually take action on a request if the applicant, or the applicant's representative, were not present; however, he felt Ms. Garris was not familiar with the process, thought the request would be handled by the District Commissioner and he would recommend approval.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0287, subject to the following conditions:

#### CONDITIONS

1. This Conditional Use shall be granted to and for Barbara F. Garris, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05SN0269, Charlene Oliver-Downs.

**05SN0269:**\* In Bermuda Magisterial District, **CHARLENE OLIVER-DOWNS** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-25) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 1.1 acres and is known as 7113 Creekbluff Ridge Drive. Tax ID 771-644-7316 (Sheet 33).

Ms. Charlene Oliver-Downs, the applicant, accepted staff's recommendation, including the conditions in the "Request Analysis" and the proffered conditions, as amended.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Gecker, staff explained the differences of this request in relation to typical day care home limitations.

Mr. Gecker expressed concerns relative to the concept of regulating the keeping of five (5) or fewer children which was permitted without a Conditional Use, noting he did not feel the request could be regulated as outlined.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0269, subject to the following conditions and acceptance of the following proffered conditions:

#### **CONDITIONS**

1. This Conditional Use shall be granted to and for Charlene Oliver-Downs, exclusively, and shall not be transferable or run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

#### **PROFFERED CONDITIONS**

1. This Conditional Use shall be limited to providing care, protection and guidance to a maximum of ten (10) children with or without compensation, other than the applicant's own children. (P)
2. This operation shall be limited to between September 1 and June 30 of each calendar year, except that no operation shall occur on Saturdays and Sundays nor during Spring or Christmas breaks as observed by the Chesterfield County Public School System. Hours of operation shall be limited to between 6:30 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., except that on days when Chesterfield County Schools are closed to students

during the aforementioned months, the hours of operation shall be limited to between 6:30 a.m. and 6:00 p.m. (P)

3. This Conditional Use shall be granted for a period not to exceed two (2) years from the date of approval. (P)
4. During the period that the family day care home is not permitted to operate, no children shall be received for care for compensation. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Wilson requested that Case 06SN0123, Target Corporation, be moved from the November 15, 2005, regularly scheduled Planning Commission meeting date to the October 18, 2005, meeting date for consideration at the 7:00 p. m. Evening Session.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission amended their By-Laws to move Case 06SN0123, Target Corporation, from the November 15, 2005, regularly scheduled Planning Commission meeting date to the October 18, 2005, meeting date, thereby, increasing their caseload from sixteen (16) to seventeen (17) cases.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 8:15 p. m. to September 20, 2005, at 12:00 Noon, in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

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Chairman/Date

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Secretary/Date